

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298**FILED**05/21/18  
01:11 PM

May 21, 2018

**Agenda ID #16541**  
**Quasi-Legislative**

TO PARTIES OF RECORD IN INVESTIGATION 17-06-025:

This is the proposed decision of Commissioner Martha Guzman Aceves. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's June 21, 2018, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ ANNE E. SIMON

Anne E. Simon

Chief Administrative Law Judge

AES:avs

Attachment

Decision **PROPOSED DECISION OF COMMISSIONER GUZMAN ACEVES**  
(Mailed 5/21/2018)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation for the Purpose of Establishing a List for the Fiscal Years 2018-2019 and 2019-2020 of Existing Crossings at Grade of City Streets, County Roads or State Highways in Need of Separation, or Existing Separations in Need of Alterations or Reconstruction in Accordance with Section 2452 of the California Streets and Highways Code.

Investigation 17-06-025

**DECISION ESTABLISHING THE CALIFORNIA GRADE SEPARATION  
FUND PRIORITY LIST FOR FISCAL YEAR 2018-2019**

**Summary**

This decision establishes the California Grade Separation Fund Priority List for Fiscal Year 2018-2019, as required by Streets and Highways Code Section 2452. In accordance with our adopted procedure, we order Investigation 17-06-025 to remain open until we issue our final decision establishing the California Grade Separation Priority List for Fiscal Year 2018-2019182-141.

**1. Background and Introduction**

We initiated this proceeding by issuing Order Instituting Investigation (I.) 17-06-025 on June 29, 2017, to create the California Grade Separation Program Priority Lists (Priority Lists) for Fiscal Years (FY) 2018-2019 and 2019-2020. The Priority Lists establish the relative priorities for allocation of funds to qualified

projects for eliminating or altering hazardous railroad crossings under Streets and Highways (S&H) code § 2450 *et seq.* These projects include construction of new grade separations to replace existing at-grade crossings, or alteration or reconstruction of existing grade separations. Section 190 of the S&H Code requires the State's annual budget to include \$15 million for funding these projects.

S&H Code § 2452 requires the California Public Utilities Commission (CPUC or Commission) to establish a priority list for projects and furnish it to the California Transportation Commission (CTC) by July 1st of each year for use in the fiscal year beginning on that date. The CTC is responsible for allocating (distributing) the funds to qualified projects, a responsibility it has delegated to the California Department of Transportation (CalTrans).<sup>1</sup>

Every two years, the Commission issues a new Order Instituting Investigation (OII), in which it determines the priority list for the next two FYs. The Commission adopts the priority list for the first FY by interim decision issued before that FY begins. The Commission then revises the priority list for the second FY by deleting projects for which funds were actually allocated in the first, adopting a revised priority list by final decision before the second FY begins. The two-year funding cycle begins again with the issuance of a new Order Instituting Investigation for the creation of a new priority list for the following two FYs.

Our procedure also requires local agencies to furnish planned grade separation project nominations to this Commission in response to an

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<sup>1</sup> S&H Code § 2453

announcement made a year prior to the cycle. The Commission reviews each nominated project to ensure that it is eligible for the California Grade Separation Program and holds a series of hearings so that nominating agencies may present each proposal, answer questions about its content, and confirm its accuracy. Attendance and participation in these hearings is mandatory for any project proponent. The Commission's Safety and Enforcement Division (SED) staff adjusts the draft priority list in accordance with evidence received at the hearings, and the list is presented to the Commission for adoption by interim decision.

The Priority List is a comparative evaluation of all qualified projects nominated and accepted for inclusion in this investigation, with the priority index value based on one of the two formulas that SED staff uses to rank projects, as published in Appendix A: one formula for crossings nominated for separation or elimination, and the other for existing grade separations in need of alteration or renovation. The formulas incorporate crossing inventory and accident data submitted in the nomination forms and verified by SED staff. SED staff reviews each application for qualification and creates the prioritized list from the nomination data entered into a Microsoft Excel spreadsheet that calculates the priority index value for each project. Appendix A of this decision shows the 2018–2019 Priority List, by project, in ranking order.

## **2. Establishment of the Fiscal Year 2018-2019 Priority List**

After I.17-06-025 was issued, SED notified railroads, light rail transit agencies, cities, counties, and other interested parties that nominations were due by October 20, 2017, for grade separation projects proposed to be included in the current priority list. SED received a total of 36 timely submitted nominations for projects to be included in the current list. By scoping memo and ruling issued on

November 21, 2017, the assigned Administrative Law Judge (ALJ) established a procedural schedule for the FY 2018-2019 part of the proceeding. After evaluating each nominated project, SED staff produced a preliminary Priority List on February 12, 2018, from the data furnished in the written nominations. The ALJ held hearings in San Francisco and Los Angeles on April 18, 2018 and April 20, 2018, respectively. At the conclusion of the hearings, the 2018-2019 Priority List was finalized by SED to include 36 nominations – all projects submitted were found to be qualified. As discussed above, the statutory procedure for creating the fiscal year 2018-2019 Priority List was properly followed, and all corrections to the draft were properly made. We therefore adopt the final priority list developed by SED without change for purposes of allocating funds in the California Grade Separation Fund (*see* Appendix A to this decision).

### **3. Categorization and Need for Hearing**

This proceeding has been categorized as quasi-legislative. Hearings were held in accordance with our adopted procedure for establishing the biennial priority list.

### **4. Comments on Proposed Decision**

The proposed decision of Commissioner Guzman-Aceves in this matter was mailed to the parties in accordance with Pub. Util. Code § 311. Opening comments were filed by \_\_\_\_\_ on \_\_\_\_\_. Reply comments were filed by \_\_\_\_\_ on \_\_\_\_\_.

### **5. Assignment of Proceeding**

Martha Guzman-Aceves is the assigned Commissioner and Hazlyn Fortune is the assigned ALJ in this proceeding.

**Findings of Fact**

1. Written notification of the opportunity to submit nominations for separation of existing railroad grade crossings, or alteration or reconstruction of existing separations, pursuant to S&H Code § 2451, was given to railroads, light rail transit agencies, cities, counties, and others on the service list compiled at the conclusion of the previous Priority List proceeding, and the notice advised them of the deadline to file a nomination for each grade separation project they sought to include in the FY 2018-2019 Priority List.

2. SED received a total of 36 timely-submitted nominations for projects to be included in the current list.

3. SED staff ranked all nominations accepted in this proceeding in priority, and the methodology utilized by SED to rank the nominations in priority order is that which we have adopted in I.17-06-025.

4. The 2018-2019 Priority List was finalized by SED to include 36 nominations.

5. The Priority List attached as Appendix A consists of projects that were received for the record, properly supported, and put in priority order by SED staff in accordance with our adopted methodology in this proceeding.

**Conclusions of Law**

1. Appendix A should be adopted as the FY 2018-2019 Priority List in this proceeding.

2. The effective date of the Interim Order must be no later than June 30, 2018, in order to comply with S&H Code § 2452.

3. This proceeding should remain open for the purpose of creating the Fiscal Year 2019-2020 Priority List.

**O R D E R**

**IT IS ORDERED** that:

1. Pursuant to California Streets and Highways Code Section 2452, the California Grade Separation Priority List attached as Appendix A is established for Fiscal Year 2018-2019 as the list, in order of priority, of projects which the Commission determines to be most urgently in need of separation, alteration, or reconstruction.

2. The Executive Director shall furnish certified copies of this decision to the California Department of Transportation and the California Transportation Commission by not later than July 1, 2018.

3. Investigation 17-06-025 must remain open until we issue our final decision.

4. Staff must take all necessary actions to establish the California Grade Separation Priority List for Fiscal Year 2018-2019 in a timely manner, as required by law.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**Appendix A**

**California Grade Separation Program**  
**Priority List**

**for Fiscal Year 2018 – 2019**



Rank	Agency	Crossing Location	CPUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/W C	BD/ HC	VS/SR	RS/AS	CG/P OF	PT/A P	OF/D E	SCF/ SF	Priority Index
1	City of Burlingame	Broadway	105E-15.03	754879V	PCJX	36339	96	0	5000	9.0	2.0	0.0	6.0	8.0	10.0	11.0	37.0	7014
2	City of Oxnard	Rice Avenue	001E-406.25	745855H	ATK , SCRRA, UP	35372	43	0	5000	11.0	2.0	4.0	6.0	7.0	5.0	1.5	25.5	3676
3	City of Santa Fe Springs	Rosecrans Avenue/Marquardt Avenue	002-157.80	027656A	BNSF	33463	106	0	15000	14.0	5.0	3.0	6.0	9.8	8.0	13.0	44.8	3592
4	City of Redwood City	Whipple Ave	105E-24.72	754935A	ATK , PCJX	25673	96	0	10000	7.0	2.0	0.0	6.0	8.0	10.0	11.0	37.0	2009
5	Alameda Corridor-East Construction Authority	Fairway Drive (Rowland Heights)	003-23.40	810883N	UP	14105	50	0	5000	10.0	2.0	2.0	4.0	9.5	4.0	11.0	32.5	1584
6	Alameda Corridor-East Construction Authority	Turnbull Canyon Road (City of Industry)	003-17.20	810867E	UP	13814	52	0	5000	8.0	3.0	1.0	6.0	8.8	4.0	8.0	30.8	1324
7	City of Shafter	Shafter, Central, Lerdo, Beech	002-904.40, 002-905.10, 002-905.50, 002-905.80	028386G, 028390W, 028391D, 028392K	BNSF	26270	48	0	20000	17.0	9.0	3.0	24.0	40.6	16.0	15.5	108.1	1243
8	Alameda Corridor-East Construction Authority	Montebello Boulevard (Montebello)	003-8.53	811074G	UP	22300	44	0	5000	5.0	3.0	1.0	6.0	11.3	4.0	14.5	39.8	1217
9	Alameda Corridor-East Construction Authority	Durfee Avenue (Pico Rivera)	003-10.30	811219R	SCRRA, UP	11993	45	0	5000	9.0	3.0	0.0	4.0	10.5	4.0	12.0	33.5	1113
10	Orange County Transportation Authority	17th Street (Santa Ana/Orange)	101OR-174.66	026699P	ATK , BNSF , SCRRA, UP	29433	73	0	5000	1.0	3.0	2.0	6.0	9.0	9.0	10.0	39.0	898
11	City of Ontario	Campus Avenue	001B-520.70, 003-38.30	746944D, 810907A	UP	8070	77	0	5000	5.0	0.0	4.0	8.0	21.2	8.0	10.0	51.2	797
12	City of Riverside	3rd St	002B-9.50	026480N	ATK , BNSF , SCRRA, UP	11914	122	0	20000	6.0	5.0	2.0	3.0	10.3	5.0	13.5	38.8	548

Rank	Agency	Crossing Location	CPUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/W C	BD/ HC	VS/SR	RS/AS	CG/P OF	PT/A P	OF/D E	SCF/ SF	Priority Index
13	City of Hanford	Grangeville Boulevard	002-969.10	028428R	BNSF	15165	42	0	5000	3.0	2.0	3.0	2.0	5.0	4.0	12.0	28.0	538
14	City of Mountain View	Castro St	105E-35.80	755015B	PCJX , UP	11292	94	0	10000	3.0	3.0	0.0	6.0	10.0	10.0	12.0	41.0	466
15	City of Ontario	Archibald Avenue	003-41.20	810911P	UP	11476	30	0	5000	5.0	2.0	2.0	6.0	12.8	3.0	10.0	35.8	449
16	Alameda Corridor-East Construction Authority	Fullerton Road (City of Industry)	003-21.40	810880T	SCRRA, UP	11627	51	0	5000	2.0	2.0	1.0	6.0	15.2	4.0	11.0	39.2	395
17	City of Bakersfield	E. Truxtun Ave (close Sumner, Baker, Tulare, and Sonora Streets)	002-886.40, 002-885.40, 002-885.77, 002-885.95, 002-886.20	028289X, 028280L, 028284N, 028285V, 028288R	BNSF	22974	38	0	20000	6.0	23.0	8.0	0.0	38.5	0.0	14.5	84.0	390
18	Greater Bakersfield Separation of Grade District	Morning Drive (SR 184) (close Vineland Road)	001B-317.50, 001B-318.50	757413M, 757414U	UP	18721	46	0	20000	6.0	5.0	6.0	10.0	19.4	0.0	13.5	53.9	355
19	City of Ontario	San Antonio Avenue (DOT 810893U and DOT 7469939G)	001B-519.60, 003-37.10	746939G, 810893U	UP	10604	59	0	5000	1.0	6.0	2.0	8.0	18.0	2.0	10.0	46.0	296
20	Orange County Transportation Authority	State College Boulevard (Anaheim)	101OR-170.21	026652U	ATK , BNSF , SCRRA, UP	22583	56	0	5000	0.0	2.0	2.0	5.0	10.1	8.0	5.0	32.1	285
21	City of Bakersfield	Kratzmeyer Road	002-897.30	028380R	BNSF	4080	50	0	5000	5.0	4.0	4.0	6.0	7.8	4.0	11.0	33.8	282
22	City of Mountain View	Rengstorff Avenue	105E-34.61	755013M	PCJX , UP	20182	94	0	20000	1.0	2.0	1.0	6.0	11.0	10.0	13.5	43.5	233
23	Orange County Transportation Authority	Santa Ana Boulevard (Santa Ana)	101OR-175.13	026702V	SCAX	12134	73	0	5000	0.0	3.0	1.0	3.0	10.0	9.0	10.0	36.0	213
24	County Of Kern	Rosedale Highway (SR 58) (Bakersfield)	103Q-113.20	029473N	SJVR	52000	6	0	5000	2.0	1.0	3.0	0.0	1.0	0.0	11.0	16.0	203
25	County Of Kern	Olive Drive (Bakersfield)	001B-308.90	756945M	UP	18792	22	0	5000	1.0	2.0	3.0	5.0	9.8	0.0	13.5	33.3	199
26	City of Bakersfield	Reina Road (to be closed), Renfro Road (new separation)	002-896.60	028379W	BNSF	2134	50	0	5000	5.0	3.0	4.0	6.0	3.8	4.0	11.0	31.8	160
27	City of Santa Barbara	Cabrillo Blvd	001E-369.66-B	745616H	ATK , UP	15860	36	0	5000	6.0	4.0	0.0	5.4	5.0	5.0	1.0	26.4	141

Rank	Agency	Crossing Location	CPUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/W C	BD/ HC	VS/SR	RS/AS	CG/P OF	PT/A P	OF/D E	SCF/ SF	Priority Index
28	County Of Stanislaus	Claribel Road (Unincorporated)	002-1094.50	028755B	BNSF	11363	46	0	5000	0.0	3.0	3.0	6.0	3.8	4.0	13.5	33.3	138
29	City of Redding	South St	001C-258.00	750509D	UP	7093	18	0	5000	3.0	1.0	0.0	5.0	9.4	1.0	11.5	27.9	130
30	County Of Kern	Snow Road	001B-307.40	756948H	UP	9074	14	0	5000	2.0	1.0	3.0	4.0	5.0	0.0	10.5	23.5	100
31	County Of Kern	Airport Drive	001B-309.60-B	756943Y	UP	24809	14	0	5000	0.0	0.0	0.0	0.0	2.0	2.0	2.0	6.0	76
32	County Of San Joaquin	Lower Sacramento Road (Acampo)	001BEL-65.94-B	752925M	UP	4877	33	0	5000	10.0	4.0	2.0	1.9	5.0	5.0	10.0	37.9	70
33	City of Colton	Fogg St	002B-4.10-B	026466T	BNSF	499	90	0	5000	10.0	10.0	0.0	1.1	10.0	10.0	10.0	51.1	60
34	City of Newark	Central Avenue	001L-31.10	749943G	UP	4687	29	0	5000	0.0	1.0	2.0	4.0	9.1	4.0	11.0	31.1	58
35	City of Ontario	Grove Avenue	001B-521.40-B	746956X	UP	27371	1	0	5000	6.0	0.0	2.0	28.3	3.0	2.0	2.0	43.3	49
36	City of Brentwood	Lone Tree Way	001B-59.10	751831H	UP	11000	1	0	5000	0.0	0.0	3.0	5.0	6.2	0.0	6.5	20.7	23

Note: **VEH** - Vehicle, **TRN** - Train, **LTRN** - Light Rail Trains, **COST Share** - Project Cost Share (a cost of more than \$5 million is permitted for qualified projects per S&H Code Section 2454 (h) for multi-year funding)

Formula For Crossing Nominated For Separation Or Elimination:

<b>AH</b> - Accident History	<b>BD</b> - Crossing Blocking Delay
<b>VS</b> - Vehicular Speed Limit	<b>RS</b> - Rail Speed Limit
<b>CG</b> - Crossing Geometrics	<b>PT</b> - Passenger trains
<b>SCF</b> - Special Conditions Factor	<b>OF</b> - Other Factors (Passenger Buses, School Buses, Hazmat Trucks, Community Impact)

\*Formula For Existing Separations Nominated For Alteration or Reconstruction:

<b>WC</b> - Width Clearance	<b>HC</b> - Height Clearance
<b>SR</b> - Speed Reduction	<b>AS</b> - Accidents near Structure
<b>POF</b> - Probability of Failure	<b>AP</b> - Accident Potential
<b>DE</b> - Delay Effects	<b>SF</b> - Separation Factor

Railroad Abbreviations:

**BNSF**: The Burlington Northern Santa Fe Railway Company  
**LACMTA**: Los Angeles County Metropolitan Transportation Authority  
**PCJX**: Peninsula Corridor Joint Powers Board (**Caltrain/PCMZ**)  
**PHL**: Pacific Harbor Line  
**SCRRA**: Southern California Regional Rail Authority (**Metrolink**)  
**SJVR**: San Joaquin Valley Railroad  
**UPRR**: Union Pacific Railroad Company

**(END OF APPENDIX A)**